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SUBJECT: CAMBODIA'S SEASON OF POLITICAL SILLINESS: NO THREAT TO BROADER REFORM AGENDA

**¶1.** (SBU) Summary. Recently, the Cambodian public has witnessed its National Assembly attempt to outlaw adultery as well as limit its members' freedom of speech in return for pensions and other financial benefits. This was followed by the PM vetoing any future Miss Cambodia beauty contests. The ban on a national beauty contest follows in the wake of other measures some observers see as the ruling CPP's desire to secure the high ground on family values -- and to distinguish the CPP from Prince Ranariddh and other FUNCINPEC leaders' alleged penchant for mistresses. Members of the donor community and the diplomatic corps worry that the Cambodian government's current fixation on less important issues pushes more significant reform issues further behind schedule. Opposition political leader Sam Rainsy believes the recent government actions are designed to distract citizens' attention from real issues -- lack of jobs and health care, and corruption and Heng Pov. End Summary.

#### Legislating Morality

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**¶2.** (U) As the National Assembly returned to work at the end of August from its summer recess, one of the first agenda items was an unexpected bill criminalizing adultery. The law stipulates that guilty parties could spend up to one year in prison and fined up to USD 250. CPP party members argued that nothing less than the morality of the nation was at stake, while opposition SRP members said that the state should not police people's bedrooms. CPP and SRP Muslim MPs debated whether the law was consistent with Islam. On September 1, 64 National Assembly members (just over the 50 percent plus one needed) out of 123 MPs voted for the draft law; most FUNCINPEC MPs staged a walkout in protest, although one FUNCINPEC MP, Princess Sisowath Santa, voted in favor of it and two others abstained. The remaining 63 MPs who voted for the law were from the CPP. SRP MPs either voted against the law or abstained. SRP members worried that the legislation could be selectively targeted to individuals for political reasons. CPP MP and National Assembly President Heng Samrin assured the media that the law will not only help save Cambodian families but will curb corruption as the need for money to support mistresses is why public officials steal from the state. In one of the more surreal assessments of the law, government spokesman Khieu Kanarith said he opposed the draft law as extramarital affairs can be useful to relieve stress, and he worried that Cambodia's passage of such a law could be damaging to Cambodia's international reputation.

**¶3.** (U) NGOs viewed the adultery law as an infringement on people's individual rights that did not serve government interests. The Cambodian Center for Human Rights director Kem Sokha worried that women would be targeted for prosecution more than men. FUNCINPEC advisor to Prince

Ranariddh Ok Socheat said that the legislation was an attack against the Prince, but denied that Ranariddh's current travel outside Cambodia was linked to fears that the Prince might be arrested once the law was passed. While many Cambodians interviewed by the media on the issue agreed that the law was good in that it supported families and higher moral principles, many others did not believe the government would enforce the law. Some observers believe it is moral posturing by the CPP and offered that the legislation stemmed from growing concerns among CPP wives regarding their husbands' fidelity. They linked the new law to the government's ban in May of the new generation of 3D mobile phones, which was supported by wives of CPP officials who worried that their husbands were viewing sexually explicit photos of younger women. (Comment: One CPP insider told the Embassy that the CPP has more mistresses than FUNCINPEC or any other party, and doubted the legislation would have any real impact on reducing adultery. End Comment.)

#### Limiting Speech

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¶4. (U) On August 30, the National Assembly passed a new law that would pave the way for a parliamentarian to be charged with a crime and detained prior to lifting of parliamentary immunity. CPP, FUNCINPEC and SRP MPs voted in favor of the new law; the only dissenting vote came from SRP MP Keo Remy. The new law also provided a clause that many see as limiting MPs' right to speak freely on issues -- this particular article has been deemed by some to be unconstitutional and has created a firestorm of debate. Some SRP members unwittingly voted for the new law as they neglected to read the draft legislation carefully and did not consult closely with senior SRP party officials. The law provided pensions and funeral benefits, so many MPs were happy with the draft

PHNOM PENH 00001613 002 OF 002

law. CPP officials and others have suggested that the law is not intended to limit speech, but to encourage responsible debate.

¶5. (U) Article 12 says that MPs may be arrested and detained in cases where the parliamentarian commits a crime in flagrante delicto. Article 11, however, maintains that a two-thirds majority of MPs is needed to lift an MP's immunity; the 50 percent plus one rule does not apply. The relevant section related to freedom of speech is Article 5, which says that an MP may not use his or her immunity to abuse an individual's honor, social customs, public order and national security. According to FUNCINPEC lawmaker Monh Saphan, the law was in draft form for nearly a year, and MPs from all three parties had initially been involved in the drafting. However, SRP MP Keo Remy complained that SRP suggestions for the draft law -- such as establishing a National Assembly commission to review any lifting of an MP's immunity prior to a vote -- are not included.

¶6. (SBU) SRP leader Sam Rainsy told A/DCM on September 7 that he regretted the SRP did not handle the vote well. Son Chhay is the party's National Assembly whip and was out of the country when the debate and vote took place. He would have organized a stronger debate and mobilized all SRP MPs to reject the draft law, said Rainsy. The SRP has since petitioned the Constitutional Council to review the law and assess its conformity to the Cambodian Constitution. Article 80 of the Constitution notes that National Assembly members may not be arrested or prosecuted for opinions expressed in the conduct of their official duties. Rainsy complained that the public debate on this bill and the adultery law are simply diversions to distract the public from the government's shortcomings in dealing with real issues of corruption, lack of jobs and healthcare, and to push the media away from the Heng Pov story, which has received a great deal of press attention in Cambodia.

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**¶7.** (U) On September 5 during a visit to Svay Rieng province, PM Hun Sen announced that there would be no national Miss Cambodia beauty pageants as long as he remains the Prime Minister. The PM urged that the country focus its efforts and attention on poverty reduction, and wait until per capita incomes exceed USD 1,500 before reinstating the contest. He disparaged beauty contests and the way in which contestants normally wear swimsuits and other revealing costumes. The PM said that local contests could continue as long as the pageants did not display the national flag or in any way suggest the beauty show was linked to the country's image. NGOs and political opposition figures criticized the PM for focusing on a non-issue instead of marshaling the country's resources more effectively to fight poverty.

Comment

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**¶8.** (SBU) While these recent stories have captured a good deal of public attention, they are relatively insignificant in terms of Cambodia's broader reform agenda. The new legislation's ability to rein in free speech among MPs is doubtful, and even some NGOs concede it may be constitutional and may not pose a real impediment to open debate. We agree that the CPP's focus on morality issues is a time-honored, worldwide legislative diversion to draw attention away from more meaningful issues, and has slowed progress on long-awaited legislation. The adultery law was drawn up in a few months' time and pushed to the top of the National Assembly's agenda while other more important bills that have languished for months (or years), e.g., the counter-terrorism bill, draft anti-trafficking law, anti-corruption legislation, etc., continue to await National Assembly action. Even the Japanese Embassy is unhappy with the RGC's recent fixation on issues of little political significance when there are serious reforms at stake, and reportedly plans to raise this with the government. End Comment.

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